

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD OWENS,

Plaintiff,

v.

Case No. 1:05-cv-812
HON. ROBERT HOLMES BELL

MIKE WARNER,

Defendant.

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OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from the petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff argues that he exhausted his grievance remedies by naming Jane Doe and M. Warner in a Step I grievance. Plaintiff sued Mike Warner. Mike Warner apparently does not exist. Mary Warren, however, filed this motion for summary judgment. Plaintiff never grieved Mary Warren and in fact failed to name her as a defendant in this action. Plaintiff clearly failed to exhaust his grievance remedies in this action. Even if he did exhaust his grievances against Mary Warren, she is entitled to summary judgment for lack of personal involvement and qualified immunity for damages. Plaintiff's cause of action fails.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #22) is approved and adopted as the opinion of the court.

Dated: December 4, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE